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29 *Plaintiffs' Interim Co-Lead Counsel*

30 [Additional Counsel Appear on Signature Pages]

31 **UNITED STATES DISTRICT COURT**  
32  
**FOR THE DISTRICT OF NORTHERN CALIFORNIA**  
33  
**SAN JOSE DIVISION**

34 IN RE: LENOVO ADWARE LITIGATION

35 Case No. 5:15-md-02624-RMW

36 This Document Relates to All Cases

37 STIPULATION AND [PROPOSED] CASE  
38 MANAGEMENT ORDER NO. 5

On April 14, 2016, the parties jointly submitted their Stipulation and [Proposed] Case Management Order No. 4, which sought to extend the pre-trial schedule by approximately one month. *See* Dkt. No. 117. The stipulation was so ordered by the Court on April 28, 2016. *See* Dkt. No. 118.

Since the filing of that stipulation on April 14, 2016, the parties have undertaken significant efforts to advance the litigation and prepare for the class certification motion. Plaintiffs have been working with their experts on class certification related issues, are continuing their review of information produced by Lenovo and Superfish, and have noticed a deposition of Lenovo pursuant to Fed. R. Civ. P. 30(b)(6) on a number of topics relevant to the class certification motion. Due to difficulties locating and scheduling an appropriate Lenovo witness, that deposition will now go forward on June 22, 2016 in North Carolina. In accordance with the terms of the Superfish settlement agreement, plaintiffs also have scheduled informal interviews with certain Superfish executives and senior employees.

Lenovo has been working with its experts on class certification related issues, has responded further to plaintiffs' discovery requests, has served discovery on the plaintiffs, and has noticed the plaintiffs' depositions. The first of those depositions took place in Chicago on June 2, 2016, and the remaining plaintiffs' depositions are scheduled to be completed by the end of this month.

The parties agree that completing the discovery described above before the class certification motion is filed will allow them to litigate class certification more efficiently and with the benefit of a fuller evidentiary record. And, as set forth in the April 14, 2016 stipulation, the parties also believe that a ruling on the pending motion to dismiss prior to filing the class certification motion will be beneficial to all involved. *See* Dkt. No. 117 at p. 1.

In light of the ongoing class certification related discovery and the unsettled nature of the pleadings, the parties believe that the pre-trial schedule should be further modified in the manner set forth below.

NOW THEREFORE, the parties, by and through their respective counsel of record, hereby stipulate as follows:

## Class Certification

1. The date by which plaintiffs file their class certification motion shall be extended from June 21, 2016 to August 19, 2016;

2. Lenovo shall file its opposition to the class certification motion by September 16, 2016;

3. Plaintiffs shall file their reply on the class certification motion by October 14, 2016;

## Fact and Expert Discovery

4. The non-expert discovery cut-off shall be extended from August 24, 2016 to October 26, 2016;

5. The date by which expert reports are served shall be extended from September 23, 2016 to November 23, 2016;

6. The date by which opposition expert reports are served shall be extended from October 24, 2016 to December 21, 2016;

7. The date by which reply expert reports are served shall be extended from November 7, 2016 to January 11, 2017;

8. The expert discovery cut-off shall be January 27, 2017;

## Summary Judgment/Dispositive Motions

9. The date by which summary judgment/dispositive motions are filed shall be extended from December 2, 2016 to February 24, 2017;

10. Oppositions to any summary judgment/dispositive motions shall be filed by March 24, 2017; and

11. Replies to any summary judgment/dispositive motions shall be filed by April 21, 2017.

SO STIPULATED.

Dated: June 6, 2016

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## PROPOSED ORDER

Pursuant to Stipulation, it is SO ORDERED.

DATED: \_\_\_\_\_

HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT COURT JUDGE

## ATTESTATION

I, Jonathan K. Levine, am the ECF user whose ID and password are being used to file this document. In compliance with Local Rule 5-1(i)(3), I hereby attest that all other signatories listed have concurred in this filing.

/s/ Jonathan K. Levine

Jonathan K. Levine